

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

FABRICE TOURRE,

Defendant.

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Civil Action

No.: 10-cv-3229 (KBF)

ELECTRONICALLY FILED

**DECLARATION OF PAMELA ROGERS CHEPIGA IN OPPOSITION TO  
LUCAS WESTREICH'S MOTION TO QUASH OR MODIFY THE TRIAL SUBPOENA**

PAMELA ROGERS CHEPIGA, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am an attorney duly admitted to practice before this Court and I am a partner at Allen & Overy LLP ("Allen & Overy"), attorneys for defendant Fabrice Tourre in the above-captioned action. I respectfully submit this declaration in opposition to Lucas Westreich's Motion to Quash or Modify the Trial Subpoena.

2. On May 13, 2013, I and a colleague from Allen & Overy had a telephonic call with Trevor Welch, counsel for Mr. Westreich on which call Mr. Welch informed us for the first time that Mr. Westreich was getting married on July 13, 2013. Mr. Welch did not state that Mr. Westreich would be unavailable to testify but stated that "there may be some scheduling issues."

3. Allen & Overy's review of the newly produced ACA audio files, including 1,200 audio files that were just produced on June 10, 2013, is ongoing and will not be completed for another two to three weeks. Of the ACA audio files recently produced, approximately 3,347 are from Mr. Westreich's recorded line at ACA.

4. As of the date of filing this opposition, the SEC has declined to confirm that it will not seek to introduce additional ACA audio recordings, other than the January 17 Call.

5. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the June 14, 2013 hearing before the Court.

6. Attached hereto as Exhibit 2 is a true and correct copy of an e-mail chain dated December 19, 2012 attaching the subpoena served on Mr. Westreich.

Dated: New York, New York  
June 20, 2013

/s/ Pamela Rogers Chepiga  
Pamela Rogers Chepiga